

DEC 14 2020

Clerk, U.S. Courts
District of Montana
Missoula Division

UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
MISSOULA DIVISION

STEPHEN P. KELLY,
General Delivery,
U.S. Post Office,
Wolf Creek, MT 59648.
Plaintiff,

vs.

THE U.P.S. STORE, a local
Montana business, and JANE
DOE / A.K.A. / BAILEY, in her
official capacity, 432 E. Idaho
Street, Ste. C, Kalispell, MT 59901,
Defendant(s).

COMPLAINT

comes now the Plaintiff in the above styled action and does show cause for complaint as follows:

(1) This is an action sustained by, STEPHEN P. KELLY, hereinafter Plaintiff KELLY, and SUES the defendant's jointly, THE U.P.S. STORE, a Local Montana business, and JANE DOE / A. K. A. / BAILEY, in her official capacity, alleging: (a) discrimination based upon age, (b) discrimination based upon sex and gender, (c) civil interference into pending litigation, and, (d) mishandling of U.S. mail.

PARTIES

(2) Plaintiff, STEPHEN P. KELLY, exists as a former

customer of the Local U.P.S. store located within the confines of Kalispell Montana, and conducted official business with defendant's store, as to his pending lawsuits filed in this court upon, (a) the church of Jesus Christ of Latter-Day Saints, and (b) upon the Lewis and Clark county Sheriff's office.

(3) Defendant, THE U.P.S. STORE, EXISTS as a Local Montana business entity at which obtains a mail service handling U.S. mail for a large numeration of its customer's.

(4) Individual and capacity defendant, JANE DOE/A.K.A. / BAILEY, exists as an official employee assigned to handle outgoing mail at the concise Kalispell U.P.S. store under judicial attack.

NATURE OF THE CASE

(5) This case is predicated upon, (a) discrimination based upon age, (b) discrimination based upon sex and gender, and (c) mishandling of U.S. mail, at the hands of a private Montana business at which obtains an official mailing service dealing directly with United States mail, (prior) to all outgoing mail being furnished and rendered over to the U.S. Postal Service.

JURISDICTION AND VENUE

(6) This court obtains subject matter jurisdiction over this case based upon the federal aspects of, (a) discrimination based upon age, (b) discrimination based upon sex and

gender, and (c) mishandling of U.S. mail, an isolated federal matter.

(7) The plaintiff party is a resident of the State of Montana, and has resided in Montana at all times material to this action.

(8) Entity defendant, obtains its principal place of business in the State of Montana, and has been doing business in Montana at all times material to this action.

(9) Defendant, DOE / A.K.A. / BAILEY, is a resident of the State of Montana, and has resided in Montana at all times material to this action.

(10) Venue is proper in the district of Montana because each event giving rise to this action accrued in the district of Montana. 28 U.S.C. § 1391.

STATEMENT OF FACTS

(11) Commencing on November, 12th, 2020, Plaintiff, KELLY in fact entered into the Local KALISPELL (U.P.S.) Store, located at 432 E. Idaho Street, and conducted a volume of business as to mailing out a portion of civil litigation directly related to two consecutive civil actions, lawsuits at which KELLY obtains pending against, (a) The Church of Jesus Christ of Latter-day Saints, and, (b) The Lewis and Clark County Sheriff's Office, et al, Sheriff's deputy (CLINT PULLMAN).

(12) Promptly, on the same concise date and event, defendant, DOE / A.K.A. / BAILEY, noticed Plaintiff, KELLY standing in front of the Line, however, there were in fact three female parties directly behind KELLY in the same Line, and upon that instant moment, defendant, DOE / A.K.A. / BAILEY, most discriminatory, motioned to the sole female party directly behind KELLY, directing the woman to step up to the front of the Line, and to move in advance of KELLY, despite the fact that Plaintiff, KELLY was in fact next in Line!

(13) Further during this same event, upon the same concise date, defendant DOE / A.K.A. / BAILEY, removed from the official Line two other female customers, and

most discriminatory placed those concise gender's in front of Plaintiff, KELLY, despite the fact that KELLY was (already) in line for prior to the two women customer's.

(14) AS to age discrimination, on the concise date of November, 13th, 2020, Plaintiff, KELLY was in fact awaiting in a structured line within the same U.P.S. store, and directly in front of defendant, DOE/A.K.A./BAILEY, and upon such time at which defendant, pulled out of the line an older male subject, and placed the (older) party in front of Plaintiff KELLY, despite the fact that KELLY was (already) in line for prior to the older party awaiting in the line!

(15) this same exact event concerning person's of an older age being removed from the U.S. Store Line, and placed in front of Plaintiff, KELLY did in fact occur four other consecutive times at the hands of defendant, DOE/A.K.A./BAILEY, upon the same concise date of November, 13th, 2020. A sincere claim of age discrimination clearly rises here!

(16) upon the concise dates of November, 3rd, 4th, 5th, 6th, and 7th, 2020, defendant, DOE/A.K.A./BAILEY, accepted cash monies from Plaintiff, KELLY, in light of placing U.S. postal stamps upon KELLY'S mailing envelopes, however this concise defendant, JANE DOE/A.K.A./BAILEY, once the money for the postal stamps were in fact paid for by Plaintiff, KELLY to defendant, DOE/A.K.A./BAILEY,

She, defendant, DOE, placed the envelopes into the U.P.S. Store's outgoing mail area, box and did so without placing the proper and required postage upon KELLY's outgoing mail, despite the fact that KELLY, had in fact already paid to defendant, DOE, the proper postage as such! KELLY's, mail addressed to the United States district court, clerk's office in, (a) Butte, (b) Helena, and (c) Missoula, was in fact returned to him per the U.S. Postal Service sufficing lack of U.S. postage, all mail related to KELLY's concise cases in the captioned matter's of, KELLY, vs. church of Jesus Christ of Latter-day Saints, and in KELLY, vs. Clint Pullman, et-al, the Lewis and Clark county Sheriff's office. Some volume of this concise mail returned to KELLY, did in fact exist

of two consecutive,
notice of change of
mailing addresses in
both cases), This concise
claim suffices a cause of
mishandling of U.S. mail,
and interference into
pending litigation.

(17) Plaintiff, KELLY in
fact located quality and
very plausible information,
sufficing that the unlawful
discrimination, both upon
age, and sex and gender, did
in fact exist as a clear
(conspiracy), engaged into
at the hands of three
consecutive person's/employees,
of the KALISPELL U.P.S.,
store, with the primary
Leader of the conspiracy
to discriminate upon KELLY,
being defendant, DOE, A.K.A.,
BAILEY !!!

INJURY

(18) Plaintiff, in fact suffers damages caused by defendant, where, (a) his two consecutive, notice of change of mailing addresses, did not arrive at the federal court clerk's office, (b) he was in fact discriminated upon by defendant upon two consecutive discriminatory aspects, age, sex and gender, and was most unlawfully forced to await a lengthy period of time in which to (equally), attend the front counter in order to process his sincere U.S. mail. Punitive damages should well suffice here.

CLAIM ONE

(19) Defendant, DOE, severely discriminated upon plaintiff,

(12)

upon such time at which she/defendant, placed a concise (CLASS), of female gender person's in front of the structured line at which Plaintiff were awaiting his turn, and was most clearly treated (non-comparable), to the other customer's of a female gender/sex.

CLAIM TWO

(20) Defendant, DoE, severely discriminated upon Plaintiff, upon such event at which she/defendant, placed a concise (CLASS), of older age citizen's in front of a structured line at which Plaintiff were awaiting his turn, and was in fact treated (non comparable), to the other customer's of an older age.

CLAIM THREE

(21) Defendant, DOE, severely interfered with and most clearly mishandled Plaintiff's U.S. mail in her failure to properly affix and place the paid for postage upon Plaintiff's envelopes, causing his mail to be returned, resulting into delay of his two federal court cases/Lawsuits.

WHEREFORE, upon the premises considered, it is respectfully requested upon this honorable court, the entry of a judgment as follows:

(a) enter punitive damage awards, jointly, against defendant in an amount

of, \$ 200,000.

(b) award Plaintiff, with actual damages in an amount of, \$ 165,000.

(c) enter judgment awarding Plaintiff, with a consecutive financial amount of a reasonable portion as deemed proper by this honorable court.

(d) Jury trial requested.

I declare under penalty of perjury the foregoing to be true and correct.

Signed this 7th day of December, 2020.

Stephen P. Kelly
(SIGNATURE OF PLAINTIFF)